

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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Illinois Commerce Commission
RAIL SAFETY SECTION

VILLAGE OF WESTERN SPRINGS,)
an Illinois municipal corporation,)

Petitioner,)

v.)

STATE OF ILLINOIS, DEPARTMENT)
OF TRANSPORTATION, DIVISION)
OF HIGHWAYS, and BURLINGTON)
NORTHERN AND SANTA FE)
RAILWAY COMPANY, a Delaware)
Corporation,)

Respondents.)

No. T04-0041

PETITIONER'S MOTION FOR LEAVE TO FILE AMENDED PETITION
INSTANTER

PETITIONER, THE VILLAGE OF WESTERN SPRINGS ("Western Springs"), an Illinois municipal corporation, with its principal office at 740 Hillgrove Avenue, Western Springs, Illinois 60558-1409, by Michael T. Jurusik and Jacob H. Karaca of Klein, Thorpe and Jenkins, Ltd., its attorneys, respectfully asks the Commission for leave to file its Amended Petition Instanter. In support of its Motion, Western Springs states as follows:

1. On April 28, 2004, Western Springs filed with the Commission the following document:

VERIFIED UNCONTESTED PETITION FOR AN ORDER OF THE ILLINOIS COMMERCE COMMISSION AUTHORIZING THE CONSTRUCTION OF A PEDESTRIAN UNDERPASS CROSSING RESPONDENT BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S ("BNSF") RAIL CORRIDOR AT APPROXIMATELY MILEPOST 14.95 OF BNSF'S CHICAGO

DOCKETED

DIVISION, CHICAGO SUBDIVISION, LINE SEGMENT 71, LOCATED IN THE VILLAGE OF WESTERN SPRINGS, AND ASSIGNING CONSTRUCTION COSTS TO THE PETITIONER VILLAGE OF WESTERN SPRINGS, AND RESPONDENT BNSF AND AUTHORIZING THE EXPENDITURE OF GRADE CROSSING PROTECTION FUNDS TO PAY A PORTION OF THESE COSTS.

2. Western Springs has named the State of Illinois, the Department of Transportation Division of Highways ("IDOT"), with its principal offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764, and Burlington Northern and Santa Fe Railway Company ("BNSF"), a Delaware Corporation, with its principal offices at 2650 Lou Menk Drive, 2nd Floor, P.O. Box 961057, Fort Worth, Texas 76161-0057, as the Respondents to this proceeding.

3. The filing of the Amended Petition is necessary because Western Springs desires to clarify the cost estimate for the construction of Pedestrian Underpass No. 1 as supplied in the original Petition. Thus, the final total revised cost estimate for the Project is listed in paragraph 6 of the Amended Petition as \$1,057,080.90. This is the only substantive change to the Amended Petition.


4. Furthermore, since the April 28, 2004 filing, Western Springs has received possession of the revised Project, Design, and Engineering Plans, as approved by IDOT. A copy of the Project, Design and Engineering Plans are attached as Exhibit 1A to the Amended Petition.

5. IDOT and BNSF have no objection to the changes proposed in the Amended Petition.

6. The Amended Petition is incorporated into this Motion as APPENDIX A.

WHEREFORE, Petitioner Village of Western Springs, Illinois, respectfully requests that this Commission grant it leave to file the attached Amended Petition (APPENDIX A) instanter and deem it filed on the date of the Commission's Order.

Respectfully submitted,
VILLAGE OF WESTERN SPRINGS

By: 
Michael T. Jurusik,
one of its attorneys

Date: 5-6-04

Michael T. Jurusik
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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

VILLAGE OF WESTERN SPRINGS,)	
an Illinois municipal corporation,)	
)	
Petitioner,)	No.T04-0041
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v.)	
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STATE OF ILLINOIS, DEPARTMENT)	
OF TRANSPORTATION, DIVISION)	
OF HIGHWAYS, and BURLINGTON)	
NORTHERN AND SANTA FE)	
RAILWAY COMPANY, a Delaware)	
Corporation,)	
)	
Respondents.)	

NOTICE OF FILING

To: See Service List

PLEASE TAKE NOTICE that on May 10, 2004, I caused the following documents to be sent via Federal Express to the Clerk of the Illinois Commerce Commission of the State of Illinois for filing on behalf of the Petitioner Village of Western Springs, Illinois:

1. AMENDED VERIFIED UNCONTESTED PETITION FOR AN ORDER OF THE ILLINOIS COMMERCE COMMISSION AUTHORIZING THE CONSTRUCTION OF A PEDESTRIAN UNDERPASS CROSSING RESPONDENT BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S ("BNSF") RAIL CORRIDOR AT APPROXIMATELY MILEPOST 14.95 OF BNSF'S CHICAGO DIVISION, CHICAGO SUBDIVISION, LINE SEGMENT 71, LOCATED IN THE VILLAGE OF WESTERN SPRINGS, AND ASSIGNING CONSTRUCTION COSTS TO THE PETITIONER VILLAGE OF WESTERN SPRINGS, AND RESPONDENT BNSF AND AUTHORIZING THE EXPENDITURE OF GRADE CROSSING PROTECTION FUNDS TO PAY A PORTION OF THESE COSTS; and
2. PETITIONER'S MOTION FOR LEAVE TO FILE AMENDED PETITION INSTANTER.

True and correct copies of the above documents are attached to this Notice and hereby served upon you.

VILLAGE OF WESTERN SPRINGS

By: 
One of its Attorneys

Michael T. Jurusik
Jacob Karaca
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive, Suite 1660
Chicago, Illinois 60606
(312) 984-6400
Attorney No. 90446
Attorneys for Western Springs

CERTIFICATE OF SERVICE

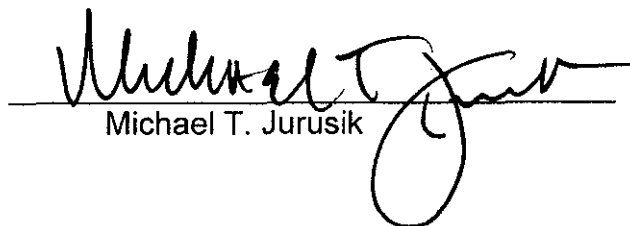
I, Michael T. Jurusik, an attorney, certify that I served this Notice of Filing and its attachments by forwarding copies to the persons listed on the attached Service List by Federal Express with charges prepaid on this 10th day of May, 2004 for next business, morning delivery.

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Michael T. Jurusik